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Attorneys for Defendants
UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MARTHA L.
GOODMAN IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
THEIR MOTION *IN LIMINE* NO. 25
AND WAYMO'S BRIEF IN
OPPOSITION THERETO**

Judge: The Honorable William Alsup
Trial Date: October 10, 2017

I, Martha L. Goodman, declare as follows:

1. I am an attorney with the law firm of Boies Schiller Flexner LLP representing Defendants Uber Technologies Inc. and Ottomotto LLC (collectively, “Uber”) in this matter. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendants’ administrative motion for an order to file under seal portions of the briefing and certain exhibits to Defendants’ Motion *in Limine* No. 25 and Waymo’s Brief in Opposition to Defendants’ Motion *in Limine* No. 25.

2. I have reviewed the following exhibits and only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
DEFENDANTS’ OPENING MIL MATERIALS		
Defendants’ Motion <i>in Limine</i> No. 25 (“MIL 25”)	Highlighted Portions	Plaintiff
Exhibit 11	Entire Document	Plaintiff
Exhibit 17	Highlighted Portions	Plaintiff
Exhibit 18	Highlighted Portions	Plaintiff
Exhibit 19	Entire Document	Plaintiff
Exhibit 20	Entire Document	Plaintiff
Exhibit 21	Entire Document	Defendants
Exhibit 27	Highlighted Portions	Defendants
WAYMO’S OPPOSITION MATERIALS		
Plaintiff Waymo LLC’s Response to Defendants’ Motion In Limine No. 25 to Exclude Reference to the 14,000 Downloaded Files Or, In The Alternative, For A Rule 104 Hearing And/Or Rule 105 Instruction (“Waymo’s Opposition to Defendants’ MIL 25”)	Highlighted Portions	Plaintiff
Exhibit 3 to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Highlighted Portions	Plaintiffs (green) Defendants (blue)

DEFENDANTS’ MIL MATERIALS

3. The blue highlighted portions of Exhibit 27 and the entirety of Exhibit 21, contain confidential or highly confidential information regarding Uber’s LiDAR development and autonomous vehicle business strategy. This information is not publicly known, and its confidentiality

1 is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive
 2 advantage over Uber by giving them details into Uber's internal development of LiDAR and business
 3 plans for autonomous ridesharing, which would allow competitors to understand Uber's LiDAR
 4 development and autonomous vehicle business strategy, and allow them to tailor their own strategy. If
 5 such information were made public, Uber's competitive standing could be significantly harmed.

6 4. The green highlighted portions of MIL 25 and of Exhibits 17, 18, and 20, and the
 7 entirety of Exhibits 11 and 19, contain information that Waymo designated or considers
 8 "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective
 9 Order in this case, or that Waymo asked Uber to file under seal.

10 **WAYMO'S OPPOSITION MATERIALS**

11 5. The blue highlighted portions of Exhibit 3 to the Nardinelli Declaration contain
 12 confidential or highly confidential information regarding Uber's LiDAR development and
 13 autonomous vehicle business strategy. This information is not publicly known, and its confidentiality
 14 is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive
 15 advantage over Uber by giving them details into Uber's internal development of LiDAR and business
 16 plans for autonomous ridesharing, which would allow competitors to understand Uber's LiDAR
 17 development and autonomous vehicle business strategy, and allow them to tailor their own strategy. If
 18 such information were made public, Uber's competitive standing could be significantly harmed.

19 6. The green highlighted portions of Waymo's Opposition to Defendants' MIL 25 and
 20 of Exhibit 3 to the Nardinelli Declaration, contain information that Waymo designated or
 21 considers "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" pursuant to the
 22 Protective Order in this case, or that Waymo asked Uber to file under seal.

23 ***

24 7. Uber's request to seal is narrowly tailored to the portions of Defendants' motions
 25 *in limine* and its supporting papers, as well as to the portions of Waymo's briefs in opposition to
 26 Defendants' motions in limine and Waymo's supporting papers, that merit sealing.

27 I declare under penalty of perjury that the foregoing is true and correct. Executed this
 28 13th day of September, 2017 at Washington, D.C.

1 Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

2 By: /s/ Martha L. Goodman

3 Martha L. Goodman

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5
6 **ATTESTATION OF E-FILED SIGNATURE**

7 I, Karen L. Dunn, am the ECF User whose ID and password are being used to file this
8 document. In compliance with General Order 45, X.B., I hereby attest that Martha L. Goodman
9 has concurred in this filing.

10 Dated: September 13, 2017

11 /s/ Karen L. Dunn

12 Karen L. Dunn